REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed on December 1, 2005 ("Final Office Action"). Claims 1-57 currently stand rejected.

Rejections Under 35 U.S.C. § 102:

The Final Office Action rejected Claims 1-57 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,501,739 to Cohen ("*Cohen*"). Applicants respectfully traverse these rejections.

At the outset, Applicants provide a reminder that in establishing a *prima facie* case of anticipation, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). With this threshold requirement in mind, Applicants submit that the PTO has failed to establish a prima facie case of anticipation, using *Cohen*.

Independent Claim 56

Independent Claim 56 is allowable because *Cohen* fails to disclose, expressly or inherently, converting any speech of the other participants into <u>text</u> in <u>response to a participant placing the conference call on hold or muting the call</u>. The Final Office Action alleges that *Cohen* discloses this limitation at FIGURE 1 and Column 6, lines 49-67 and Column 11, lines 20-25, but this is incorrect. These portions recite in pertinent part the following:

> These additional <u>audio sources</u> may be, for example, music or messages to be played when a participant is on hold, <u>vocalized information</u>, such as news, stock quotes, system messages, subliminal messages, etc., preferably selected by the participant to which the mixer is associated. It is appreciated that such auxiliary <u>audio</u> can be played during an ongoing conference call during an active or quiet period of the ongoing conference, and can be automatically activated and controlled by server 22 and/or be manually activated and controlled by each participant, such as by turning the volume down, by pausing and continuing any of the auxiliary inputs, change its playback speed preferably with pitch adjustment or by turning any of the auxiliary inputs off.

(Column 6, lines 54-59, Emphasis added.)

> In the method of FIG. 14 a conference participant A provides a control message to conferencing server 22 indicating that an outgoing audio stream from conference participant A should be prevented from being received by at least one other of said communicators.

(Column 11, lines 20-23). Clearly, these portions do not disclose converting any speech of the other participants into <u>text</u> in <u>response to a participant placing the conference call on hold or muting the call</u>. At, best, they disclose playing auxiliary <u>audio</u> — not text — during a quiet period of the ongoing conference. For at least this reason, Applicants submit that *Cohen* fails to disclose the Applicants' invention in as complete detail as is contained in Independent Claim 56. Accordingly, Independent Claim 56 should be allowed as should Independent Claim 57 for analogous reasons.

Independent Claim 15

Independent Claim 15 is allowable because *Cohen* fails to disclose, expressly or inherently, "in response to receiving the indication of a request for text from the participant, <u>sending</u> the <u>identity</u> of each other participant of the conference call, when the respective other participant is speaking, <u>to a device associated with the participant from which the indication of a request for text was received</u>." The Final Office Action alleges that *Cohen* discloses the above limitation at Column 7, lines 24-35; Column 8, lines 4-28; and Column 8, lines 56-67 (*See* Final Office Action pages 4-7), but this is incorrect. Column 7, lines 24-35 generally discuss the invocation of a control process to determine whether DTMF tones represent a control message. Column 8, lines 4-28 generally discuss a reporting of "status of the other participants" and how a conferencing server "may ask for the conference participant to provide his identification, typically by a entering a password via computer 16 or a DTMF code via communicator 10." Column 8, lines 56-67 generally discuss how a server can interpret and execute DTMF commands and how "commands may have multiple parameters, including parameters for identifying the communicator from which the command originated, for identifying a specific audio stream, the volume at which to set a specific audio source as it is mixed at mixer 26, or a master volume for all output from mixer 26." At best, these sections discuss how a server seeks information from a

participant, including identification credentials, to execute commands, not "<u>sending</u> the <u>identity</u> of each other participant of the conference call, when the respective other participant is speaking, <u>to a device associated with the participant</u> from which the indication of a request for text was received." Further, it can not be disputed that status is not an "identity of each other participant."

The Final Office Action additionally alleges that "Cohen does describe the sending of identity of each other participant of the conference call when the respective other participant is speaking (for example, the "speaking" participant is the participant whom generates the DTMF tones by pressing a key on a telephone that is being used as a communicator 10." *See* Final Office Action, page 7. This incorrect. *Cohen*, at best, discloses a server seeking command information (e.g., DTMF tones) from a participant, including identification credentials, to execute commands. *Cohen* never discusses "<u>sending</u> the <u>identity</u> of each other participant of the conference call . . . <u>to a</u> <u>device associated with the participant</u> from which the indication of a request for text was received," let alone "sending . . . <u>when the respective other participant is</u> <u>speaking</u>." For at least the above reasons, Applicants submit that *Cohen* fails disclose the Applicants' invention in as complete detail as is contained in the Independent Claim 15. Accordingly, Independent Claim 15 and its dependents should be allowed.

Independent Claim 1

Independent Claim 1 is allowable because *Cohen* fails to disclose, expressly or inherently:

> receiving an indication of a request for text from a cparticipant of the conference call who has previously received speech from another participant of the conference call;

> in response to the indication from the participant, converting any speech of the other participants of the conference call into text

The Final Office Action alleges that *Cohen* discloses the above limitation at Column 7, lines 7-15; Column 7, lines 41-57; and Column 3, lines 41-57. But, this incorrect. These portions of *Cohen* merely disclose the following:

. . . each server 22 preferably includes conventional hardware and/or software to support convert [sic] audio messages into text messages that may then be provided to conference participants . . . .

(Column 7, lines 10-13)

The mixed audio stream is then transmitted to the communicator 10 that is pre-associated with the mixer 26 (step 370), while other corresponding media type messages are sent to matching end points, to effectively create a situation that the same message can be heard by a user using a communicator, and can be seen as text for example by someone using a computer terminal thus effectively achieving cross media messaging.

(Column 7, lines 47-57)

any of the mixers further includes means for converting any of the audio streams into a text message

(Column 3, lines 55-57). It can clearly be seen that the above recitations do not disclose the claim limitations. The simple existence of the capability of converting text to speech does not disclose that such conversion occurs in response to an indication of a request for text from a participant of the conference call who has previously received speech from another participant of the call. Rather, at best, the above recitations suggest displaying text on a computer terminal.

Applicants additionally submit that it would not be obvious to modify *Cohen* to meet the above claim limitations. Absent Applicants' disclosure in hand, Applicants submit that one would not request text after first receiving speech, but would rather select either text or speech, possibly based on one's hearing ability. In contrast, the teachings of the invention recognize that one may want, in one embodiment, to selectively passively monitor a conference call by receiving text while engaging in other activities. See *Applicants' Disclosure* at Page 10, line 10 – Page 11, line 18. For at least the above reasons, Applicants submit that *Cohen* fails to disclose the Applicants invention in as complete detail as is contained in Independent Claim 1. Accordingly, Independent Claim 1 and its dependents should be allowed. Independent Claims 2, 30, 40, and 51 and their dependents should be allowed for analogous reasons.

Applicants note that a similar argument to the above argument concerning Independent Claim 1 was previously presented in a previous response. The Final Office Action did not challenge that the previously submitted argument was correct.

Independent Claim 47

Independent Claim 47 is allowable because *Cohen* fails to disclose, expressly or inherently,

> transmitting a request for data from an Internet Protocol telephone attached to a network and having a first address; and
> receiving data at an Internet Protocol display attached to the network and having a second address different from the first address in response to the transmitted request.

The Final Office Action alleges that *Cohen* discloses this limitation at FIGURE 1 and Column 5, lines 35-60, but this is incorrect. This portion of *Cohen* merely shows and describes a communication system that includes a phone and a computer. This portion of *Cohen* does not disclose transmitting a request from an <u>Internet Protocol telephone</u> for data, let alone receiving data at an Internet Protocol display having an <u>address that is different from the address of the Internet Protocol telephone in response</u>. Additionally, this portion of *Cohen* simply makes no mention of an Internet Protocol Telephone, an Internet Protocol Display, or addresses associated with an Internet Protocol Telephone or an Internet Protocol Display. For at least the above reasons, Applicants submit that *Cohen* fails to disclose the Applicants invention in as complete detail as is contained in Independent Claim 47. Accordingly, Independent Claim 47 should be allowed as should the claims depending therefrom.

Applicants note that a similar argument to the above argument concerning Independent Claim 47 was previously presented in a previous response. The Final Office Action did not challenge that the previously submitted argument was correct.

Failure to Establish Prima Facie Rejection

Applicants submit that the above indicated errors in failing to establish a *prima facie* case of anticipation are clear errors of law as defined by the Official Gazette

Notice of July 12, 2005, establishing the procedure for the Pre-Appeal Brief Request for Review, and if maintained, would clearly be overturned by a Pre-Appeal Panel.

Request for Evidentiary Support

Should any of the above asserted rejections be maintained, Applicant respectfully requests appropriate evidentiary support. Additionally, if the Examiner is relying upon "common knowledge" or "well known" principles to establish the rejection, Applicant requests that a reference be provided in support of this position pursuant to M.P.E.P. § 2144.03. Furthermore, to the extent that the Examiner maintains any rejection based on an "Official Notice" or other information within the Examiner's personal knowledge, Applicant respectfully requests that the Examiner cite a reference as documentary evidence in support of this position or provide an affidavit in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. 1.104(d)(2).

No Waiver

All of Applicants' arguments and amendments are without prejudice or disclaimer. Applicant reserves the right to discuss the distinctions between the applied art and the claims in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicant are sufficient to overcome the anticipation and obviousness rejections.

CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, please feel free to contact the undersigned attorney for Applicants.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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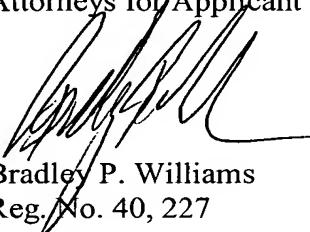
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